

- (1) the party seeking the fees is the “prevailing party” in a civil action brought by or against the U.S.,
- (2) an application for such fees, including an itemized justification for the

amount requested, is timely filed within 30 days of final judgment in the action,

(3) the position of the government is not substantially justified and

(4) no special circumstances make an award unjust.

The undersigned magistrate judge finds that all of these factors are met in this case.

An affidavit of the hours expended by Plaintiff's counsel and expenses incurred has been submitted. He represents that he has spent 28 hours in attorney time in handling this matter and requests \$182.00 per hour for the time incurred in 2016 and \$184.00 for the time incurred in 2017. The undersigned finds them to be reasonable. No request was made for an award of costs.

The undersigned RECOMMENDS that Plaintiff's Motion be GRANTED, and plaintiff be awarded EAJA fees in the amount of \$ 5,130.00 for attorney fees, and expenses in the amount of \$ 0.

Respectfully Submitted,

s/ Clifton L. Corker  
United States Magistrate Judge